

# Notice of Allowability

Application No.

10/695,780

Examiner

Phuong Phu

Applicant(s)

OSHIMA, MITSUAKI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Election and Amendment filed on 8/27/07.
2. ☒ The allowed claim(s) is/are 39,41,48,50,75,77,84 and 86.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All: b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 08/037,108.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date:  
10/30/03, 6/7/05, 7/22/04, 12/21/05, 2/7/07, 3/16/07, 7/12/07.

### **DETAILED ACTION**

1. This Office Action is responsive to the Election and Amendment filed on 8/27/07. Accordingly, claims 39, 41, 48, 50, 75, 77, 84 and 86 are currently pending; and claims 1-38, 40, 42-47, 49, 51-74, 76, 78-83, 85 and 87-110 are canceled.

#### ***Information Disclosure Statement***

2. Regarding the IDS filed on 10/30/03, for those references being crossed out in FORM PTO 1449, those references are not considered by the examiner because the examiner has not received copies of those references, and the Office does not have image files of those references on the system.
3. Regarding the IDS filed on 6/7/05, for those references being crossed out in FORM PTO 1449, those references are not considered by the examiner because the examiner has not received copies of those references, and the Office does not have image files of those references on the system.

### **REASONS FOR ALLOWANCE**

4. Claims 39, 41, 48, 50, 75, 77, 84 and 86 are allowed.
5. References 6175599, 5168509, 4805014, 6256357, 5999569 and 5819000 are additionally cited because they are pertinent to the claimed invention.
6. The following is an examiner's statement of reasons for allowance:
  - Regarding independent claim 39, none of prior art of record teaches or suggests a telephone for receiving first downlink signal and a second downlink signal from a base station, as claimed, the telephone comprising a receiver operable to receive the first downlink signal and the second downlink signal, wherein the first downlink signal has information of a first data

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stream and the second downlink signal has information of a second data stream, the first downlink signal is modulated according to a QPSK, and the second downlink signal is scrambled and modulated according to an n-level QAM or an n-level PSK and wherein the first data stream includes information representing the value of n; a de-multiplexer operable to convert the first downlink signal to a de-multiplexed first downlink signal and convert the second downlink signal to a de-multiplexed second downlink signal, according to CDMA; a descrambler operable to descramble the de-multiplexed second downlink signal to produce a descrambled second downlink signal; and a demodulator operable to demodulate the de-multiplexed first downlink signal to produce a demodulated first data stream and demodulate the descrambled second downlink signal to produce a demodulated second data stream, wherein the demodulated second data stream is produced according to the value of n.

-Regarding independent claim 48, none of prior art of record teaches or suggests a telephone for receiving first downlink signal and a second downlink signal from a base station, as claimed, the telephone comprising a receiver operable to receive the first downlink signal and the second downlink signal, wherein the first downlink signal has information of a first data stream and the second downlink signal has information of a second data stream, the first downlink signal is modulated according to a QPSK, and the second downlink signal is scrambled and modulated according to an n-level QAM or an n-level PSK and wherein the first data stream includes information representing the value of n; a de-multiplexer operable to convert the first downlink signal to a de-multiplexed first downlink signal and convert the second downlink signal to a de-multiplexed second downlink signal, according to CDMA; a descrambler operable to descramble the de-multiplexed second downlink signal to produce a descrambled second

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downlink signal; and a demodulator operable to demodulate the de-multiplexed first downlink signal to produce a demodulated first data stream and demodulate the descrambled second downlink signal to produce a demodulated second data stream, wherein the demodulated second data stream is produced according to the value of  $n$ .

-Regarding independent claim 75, none of prior art of record teaches or suggests a method for receiving first downlink signal and a second downlink signal from a base station, as claimed, the method comprising procedures of receiving the first downlink signal and the second downlink signal, wherein the first downlink signal has information of a first data stream and the second downlink signal has information of a second data stream, the first down link signal is modulated according to a QPSK, and the second downlink signal is scrambled and modulated according to an  $n$ -level QAM or an  $n$ -level PSK and wherein the first data stream includes information representing the value of  $n$ ; descrambling the second downlink signal to produce a descrambled second downlink signal; and demodulating the first downlink signal to produce a demodulated first data stream and demodulate the descrambled second downlink signal to produce a demodulated second data stream, wherein the demodulated second data stream is produced according to the value of  $n$ .

-Regarding independent claim 84, none of prior art of record teaches or suggests a method for receiving first downlink signal and a second downlink signal from a base station, as claimed, the method comprising procedures of receiving the first downlink signal and the second downlink signal, wherein the first downlink signal has information of a first data stream and the second downlink signal has information of a second data stream, the first down link signal is modulated according to a QPSK, and the second downlink signal is scrambled and modulated

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according to an n-level QAM or an n-level PSK and wherein the first data stream includes information representing the value of n; descrambling the second downlink signal to produce a descrambled second downlink signal; and demodulating the first downlink signal to produce a demodulated first data stream and demodulate the descrambled second downlink signal to produce a demodulated second data stream, wherein the demodulated second data stream is produced according to the value of n.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Phuong Phu*

Phuong Phu  
09/11/07

**PHUONG PHU  
PRIMARY EXAMINER**

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Primary Examiner  
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